

The Honorable Rachel Peter Kovner
United States District Judge
Eastern District of New York

Re: Rives v. SUNY Downstate College of Medicine, *et al.*
Case No. 1:20-CV-621 (RPK) (LB)

Dear Judge Kovner:

I write to request, among other things, a modest extension of the deadline for additional briefing set out in the Court's order of September 30th. Of the thirty days granted me by the Court, half were spent writing my letter motion for reconsideration. Although I hoped I might still finish my brief in time, the Court's October 27th order denying reconsideration was extremely disconcerting for its manifest error. Writing (and rewriting) this letter to address the error ultimately took priority over finishing my brief.

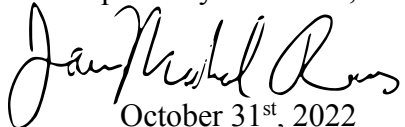
As I say, the Court's order denying reconsideration constitutes clear error. The Court therein equates the College of Medicine with Downstate Medical Center, surmising that DMC "appears to be simply another name for SUNY Downstate College of Medicine." This is like saying that the National League is simply another name for the Mets, or that the Second Circuit is simply another name for the Eastern District. It is plainly, demonstrably, no-two-ways-about-it *wrong*.

DMC is distinct from the College of Medicine. They are two entities with two separate governing bodies. One is a so-called "academic center" in the SUNY system; the other, an individual school associated with that academic center. DMC is also associated with other schools, like the College of Nursing, the School of Health Professions, and the School of Public Health, as well as non-schools, like the Downstate Biotechnology Incubator, and even non-state entities, like Kings County Hospital. *See* Pl.'s Letter Mot. for Reconsideration, n.1. I implore Your Honor to re-read my letter, and defendants' response to it, and to consider, in light of the arguments raised therein, whether the Court's order is defensible.

And I move for the following relief:

- i. A one-week extension of the deadline for additional briefing sought by the Court.
- ii. Reconsideration by Your Honor of the Court's denial of reconsideration.
- iii. Alternatively, a referral of the matter to Magistrate Judge Bloom.
- iv. Alternatively, a hearing on the question of the College's sovereign status.
- v. Alternatively, a certification for interlocutory appeal under §1292(b).

Respectfully submitted,


October 31st, 2022